

# **EXHIBIT A**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**ADVANCEME, INC.,  
Plaintiff,**

**v.**

**AMERIMERCHANT LLC,  
Defendant.**

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**CIVIL CASE NO. 6:06-CV-082 (LED)**

**JURY TRIAL DEMANDED**

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**PLAINTIFF ADVANCEME, INC.'S DISCLOSURE OF ASSERTED CLAIMS AND  
AMENDED INFRINGEMENT CONTENTIONS FOR  
DEFENDANT AMERIMERCHANT LLC**

In compliance with Patent Rule (P.R.) 3-1 and 3-6(a) of the Rules of Practice for Patent Cases before the Eastern District of Texas, Plaintiff AdvanceMe, Inc. ("AdvanceMe"), by and through its designated attorneys, hereby serves its Disclosure of Asserted Claims and Amended Infringement Contentions to Defendant AmeriMerchant LLC ("AmeriMerchant").

AdvanceMe's investigation of the matters disclosed is ongoing and these disclosures are based solely upon the information available to AdvanceMe at this time. To date, AmeriMerchant has not yet produced all documents and information relating to its Accused Instrumentalities. AdvanceMe reserves the right to supplement or modify these disclosures as new information, through discovery or other investigation, becomes available.

**I. Patent Rule 3-1(a) Disclosure**

AdvanceMe asserts that AmeriMerchant infringes claims 1-19 ("the asserted claims") of U.S. Patent No. 6,941,281 ("the '281 Patent").

**II. Patent Rule 3-1(b) Disclosure**

Based on the information presently available to AdvanceMe, the Accused Instrumentalities include the systems and methods used in connection with AmeriMerchant's cash advance services (also referred to as AmeriMerchant's Merchant Account Cash Advance, AmeriMerchant's Business Cash Advance, AmeriMerchant's business cash advance program, and AmeriMerchant's Restaurant Financing). AdvanceMe asserts that AmeriMerchant directly infringes and/or indirectly infringes the asserted claims by making, using, offering for sale and/or selling these systems and methods within the United States, including, but not limited to, through its website at <http://www.amerimerchant.com>, and/or by actively inducing others to use these systems and methods in an infringing manner and/or otherwise contributing to the infringement of others. Discovery is ongoing and AmeriMerchant has yet to produce all documents and information related to the Accused Instrumentalities. AdvanceMe thus reserves the right to add or modify the identification of the Accused Instrumentalities with additional infringing AmeriMerchant apparatuses, products, devices, processes, methods, acts or other instrumentalities.

**III. Patent Rule 3-1(c) Disclosure**

Subject to the above limitations, attached hereto as Appendix A are claim charts setting forth the asserted claims of the '281 Patent and how each Accused Instrumentality infringes the asserted claims. AdvanceMe has not received complete discovery from AmeriMerchant and thus reserves the right to add or modify the identification of the Accused Instrumentalities with

additional infringing AmeriMerchant apparatuses, products, devices, processes, methods, acts or other instrumentalities after conducting discovery in this matter.

#### **IV. Patent Rule 3-1(d) Disclosure**

AdvanceMe asserts that each element of each asserted claims is literally present in AmeriMerchant's Accused Instrumentalities. To the extent that any elements of the asserted claims are not literally present, AdvanceMe asserts that those elements are present in AmeriMerchant's Accused Instrumentalities under the doctrine of equivalents. AdvanceMe also asserts that AmeriMerchant enters into contracts with third parties who employ systems and methods that perform various claim elements of AdvanceMe's '281 Patent. AdvanceMe further asserts that AmeriMerchant actively induces merchants to enter into contracts with computerized merchant processors who are in contractual privity with AmeriMerchant, and that these computerized merchant processors employ systems and methods that perform various claim elements of AdvanceMe's '281 Patent.

#### **V. Patent Rule 3-1(e) Disclosure**

The '281 Patent claims priority to U.S. Patent No. 6,826,544 which arose from U.S. Patent Application Serial No. 08/890,398. Claims 1-19 of the '281 Patent are entitled to a priority date no later than July 9, 1997.

#### **VI. Patent Rule 3-1(f) Disclosure**

Pursuant to P.R. 3-1(f), AdvanceMe identifies its Bronze, Silver, Gold and Platinum funding services as AdvanceMe's products that incorporate and/or reflect the claimed subject matter of the '281 patent.

#### **VII. Patent Rule 3-2 Document Production Accompanying Disclosure**

AdvanceMe has produced relevant, non-privileged documents required under P.R. 3-2.

AdvanceMe has made every effort to produce all relevant, non-privileged documents in its possession, custody or control that may evidence the information required under P.R. 3-2. AdvanceMe's production of documents under P.R. 3-2, however, should not be considered an admission that such documents relate to information or products that fall within the scope of the issued claims in each of the patents in suit. AdvanceMe's search for documents is ongoing, and AdvanceMe reserves the right to supplement its production as deemed appropriate and necessary in the future.

AdvanceMe is not currently aware of and does not have any documents responsive to P.R. 3-2(a) or (b) in its possession, custody or control.

In accordance with P.R. 3-2(c), a copy of the file history for the '281 Patent has been produced to AmeriMerchant.

Date: January 22, 2007

Respectfully submitted,

By: 

PAUL, HASTINGS, JANOFISKY & WALKER LLP

Ronald S. Lemieux

(CA Bar No. 120822) (Admitted Pro Hac Vice)

Vidya R. Bhakar

(CA Bar No. 220210)

Five Palo Alto Square, Sixth Floor

Palo Alto, CA 94306-2155

Telephone: (650) 320-1800

Telecopier: (650) 320-1900

Email: [ronlemieux@paulhastings.com](mailto:ronlemieux@paulhastings.com)

IRELAND, CARROLL & KELLEY, P.C.

Otis W. Carroll, Attorney-in-Charge

State Bar No. 03895700

Deborah Race

State Bar No. 16448700

6101 South Broadway, Suite 500

Tyler, TX 75703

Telephone: 903-561-1600

Facsimile: 903-581-1071

Email: [fedserv@icklawn.com](mailto:fedserv@icklawn.com)

ATTORNEYS FOR PLAINTIFF ADVANCEME, INC.

**ATTACHMENT A****PLAINTIFF ADVANCEME, INC.'S P.R. 3-1(c) DISCLOSURES  
FOR DEFENDANT AMERIMERCHANT LLC**

U.S. Patent No. 6,941,281 Claim Language	Identification Of Where Claim Element Is Found Within Each Accused Instrumentality
<b>Claim 1</b> A method for automated payment, comprising:	<p>Defendant AmeriMerchant LLC's ("AmeriMerchant") cash funding services (also referred to as AmeriMerchant's Merchant Account Cash Advance, AmeriMerchant's Business Cash Advance, AmeriMerchant's business cash advance program, and AmeriMerchant's Restaurant Financing) implement a method for automated payment. Using AmeriMerchant's cash funding services, a merchant receives money from AmeriMerchant and/or its parents, subsidiaries, or affiliates in the form of a cash advance and repays this obligation through future sales transactions. According to its website, AmeriMerchant can provide a merchant with a cash advance of up to \$175,000 per location.</p> <p>See, e.g., <a href="http://www.amerimerchant.com/about_us.php">http://www.amerimerchant.com/about_us.php</a>:</p> <p>"AmeriMerchant, with offices in New York City and San Francisco, has quickly become the nation's fastest growing provider of working capital to businesses against their future credit card sales. By offering financing against a business' future cash flow, we are able to help restaurants and retailers obtain working capital that typically are turned down by traditional lending sources such as banks."</p> <p>"Our program is simple, AmeriMerchant purchases a business' credit card receivables at a discount today and we collect our money by taking a percentage of your business' future credit card transactions."</p> <p>"AmeriMerchant is currently the #1 provider of working capital against a business' future Visa/Mastercard processing sales in the entire country."</p>

U.S. Patent No. 6,941,281 Claim Language	Identification Of Where Claim Element Is Found Within Each Accused Instrumentality
	<p>See, e.g., <a href="http://www.amerimerchant.com/index.php">http://www.amerimerchant.com/index.php</a>:</p> <p>“We can provide your business with a cash advance against its merchant account of up to \$175,000 per location. An alternative to a small business loan, these funds against future Visa and Mastercard sales are typically available within 7 days or less.... To qualify for an advance against your merchant account, you only need to be processing credit cards for 60 days to receive a business cash advance against your future Visa and Mastercard credit card processing receipts.”</p> <p>See, e.g., <a href="http://www.amerimerchant.com/business_cash_advance.php">http://www.amerimerchant.com/business_cash_advance.php</a>:</p> <p>“Get merchant account financing against your Visa and Mastercard sales instead. Sell us your future credit card receivables for cash today. We provide working capital to all types of business including restaurants and retailers.”</p> <p>“Receive up to \$175,000 per location today!”</p> <p>“Need funds in a hurry? We typically can provide funds in 7 days or less.”</p> <p>“AmeriMerchant is a leading provider of working capital to businesses against their future Visa/Mastercard sales. Sell your future credit card transactions for cash today.”</p> <p>“Looking for a business loan? AmeriMerchant is the #1 alternative to a small business loan with our business cash advance program.”</p> <p>“Our program offers:</p> <ul style="list-style-type: none"> <li>• 90% Approval Rate (you must be current with your landlord and have no open bankruptcies)</li> <li>• Funds typically available in 7 days or less</li> </ul>

U.S. Patent No. 6,941,281 Claim Language	Identification Of Where Claim Element Is Found Within Each Accused Instrumentality
	<ul style="list-style-type: none"> <li>• Up to \$175,000 per location (the amount we can advance you is based on how much monthly Visa and Mastercard sales you process each month)</li> <li>• Depending on your business type, we can typically advance you up to 20% - 30% more than your business' monthly processing average</li> <li>• No fixed payment schedule, we get paid only when you get paid</li> <li>• You are free to use the funds however you choose</li> </ul> <p>Program Requirements:</p> <ul style="list-style-type: none"> <li>• You must have a merchant account processing Visa and Mastercard for at least 60 days</li> <li>• You must be current with your landlord (we do perform a landlord verification call)</li> <li>• You can not have any open bankruptcies in the last 12 months"</li> </ul> <p>See, e.g., <a href="http://www.amerimerchant.com/restaurant_financing.php">http://www.amerimerchant.com/restaurant_financing.php</a>:</p> <p>"AmeriMerchant has now made it easier than ever for restaurants to receive up to \$175,000 in working capital per location in 7 days or less."</p> <p>"Our program offers restaurant owners the ability to obtain restaurant financing by selling us their future credit card transactions from their customers."</p> <p>"Our program requirements are simple to receive a business cash advance for your restaurant:</p> <ul style="list-style-type: none"> <li>• You must process at least \$2,500/mo. in Visa/Mastercard for at least a period of 60 days</li> <li>• You must be current with your landlord (we do perform a landlord verification call)</li> <li>• You can not have any open bankruptcies in the last 12 months"</li> </ul> <p>See, e.g., <a href="http://www.amerimerchant.com/affiliate_programs.php">http://www.amerimerchant.com/affiliate_programs.php</a>:</p> <p>"Affiliate Program</p>



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	<p>Have a website with b2b traffic? Earn money by referring leads and/or customers to us. AmeriMerchant's business cash advance affiliate program has one of the highest payouts per sale for our product compared to any other affiliate program for any industry. You can earn up to \$1,500 per sale."</p> <p><i>See, e.g.,</i> <a href="http://www.amerimerchant.com/business_resources.php">http://www.amerimerchant.com/business_resources.php</a>:</p> <p>"No fixed monthly payment to worry about. We take a % of your future credit card sales until we are paid back. We only get paid when you get paid by your customers. Therefore, if you have a slow month, your paycheck to us slows down."</p> <p><i>See, e.g.,</i> <a href="http://www.amerimerchant.net/applynow.php">http://www.amerimerchant.net/applynow.php</a>:</p> <p>"AmeriMerchant, a leading provider of merchant services, is proud to bring you the only application that will allow you to start accepting credit cards almost immediately, unlike most websites where their "online application" is nothing more than a sales inquiry form for a salesperson to call you back."</p> <p>"Our online application is a true application for you to apply for a merchant account."</p> <p>"Your security and privacy is the utmost of importance to us, that is why we utilize the state-of-the-art technology to protect your data including 128-bit encryption Verisign SSL certificates. Once you click on the apply now button below, you will see that your browser will go into "secure mode" meaning the data you enter is safe."</p> <p>"To get started, you must have the following information:</p> <ul style="list-style-type: none"> <li>• Be a Business located within the United States (US)</li> <li>• Federal Tax ID# (For Corporations only)</li> <li>• Your Social Security Number</li> <li>• US Commercial checking account DDA and Routing numbers"</li> </ul>

U.S. Patent No. 6,941,281 Claim Language	Identification Of Where Claim Element Is Found Within Each Accused Instrumentality
<p>at a merchant, accepting a customer identifier as payment from the customer and electronically forwarding information related to the payment to a computerized merchant processor;</p>	<p>In order to receive a cash advance using AmeriMerchant's cash funding services, a merchant is contractually required by AmeriMerchant to use a computerized merchant processor that is acceptable to AmeriMerchant and/or its parents, subsidiaries, and affiliates. The merchant must also have its point-of-sale terminal reprogrammed so that all transactions are processed through the computerized merchant processor that is acceptable to AmeriMerchant and its parents, subsidiaries, and affiliates.</p> <p>A merchant who has received a cash advance from AmeriMerchant and/or its parents, subsidiaries, and affiliates accepts a customer identifier (<i>e.g.</i>, an account number from a credit card, debit card, smart card, <i>etc.</i>) as payment from the customer using Verifone merchant-location equipment or its equivalent and electronically forwards information related to the payment to a computerized merchant processor that is acceptable to AmeriMerchant and/or its parents, subsidiaries, and affiliates. The customer identifier can be accepted and forwarded by the merchant via an electronic network or telephone system.</p> <p><i>See, e.g.,</i> <a href="http://www.amerimerchant.com/about_us.php">http://www.amerimerchant.com/about_us.php</a>:</p> <p>"...[W]e collect our money by taking a percentage of your business' future credit card transactions."</p> <p>"AmeriMerchant is currently the #1 provider of working capital against a business' future Visa/Mastercard processing sales in the entire country."</p> <p><i>See, e.g.,</i> <a href="http://www.amerimerchant.com/index.php">http://www.amerimerchant.com/index.php</a>:</p> <p>"To qualify for an advance against your merchant account, you only need to be processing credit cards for 60 days to receive a business cash advance against your future Visa and Mastercard credit card processing receipts."</p> <p><i>See, e.g.,</i> <a href="http://www.amerimerchant.com/business_cash_advance.php">http://www.amerimerchant.com/business_cash_advance.php</a>:</p> <p>"AmeriMerchant is a leading provider of working capital to businesses against their future Visa/Mastercard sales. Sell your future credit card transactions for cash</p>

U.S. Patent No. 6,941,281 Claim Language	Identification Of Where Claim Element Is Found Within Each Accused Instrumentality
	<p>today.”</p> <p>“• Up to \$175,000 per location (the amount we can advance you is based on how much monthly Visa and Mastercard sales you process each month)</p> <ul style="list-style-type: none"> <li>• Depending on your business type, we can typically advance you up to 20% - 30% more than your business' monthly processing average</li> <li>• No fixed payment schedule , we get paid only when you get paid...</li> <li>• You must have a merchant account processing Visa and Mastercard for at least 60 days”</li> </ul> <p>See, e.g., <a href="http://www.amerimerchant.com/restaurant_financing.php">http://www.amerimerchant.com/restaurant_financing.php</a>:</p> <p>“Our program offers restaurant owners the ability to obtain restaurant financing by selling us their future credit card transactions from their customers.”</p> <p>“• You must process at least \$2,500/mo. in Visa/Mastercard for at least a period of 60 days”</p> <p>See, e.g., <a href="http://www.amerimerchant.com/business_resources.php">http://www.amerimerchant.com/business_resources.php</a>:</p> <p>“No fixed monthly payment to worry about. We take a % of your future credit card sales until we are paid back. We only get paid when you get paid by your customers. Therefore, if you have a slow month, your payback to us slows down.”</p> <p>See, e.g., <a href="http://www.amerimerchant.net/applynow.php">http://www.amerimerchant.net/applynow.php</a>:</p> <p>“AmeriMerchant, a leading provider of merchant services, is proud to bring you the only application that will allow you to start accepting credit cards almost immediately...”</p> <p>“To get started, you must have... US Commercial checking account DDA and Routing numbers”</p>
at the computerized merchant processor, acquiring the information related to the	In order to receive a cash advance using AmeriMerchant's cash funding services, a merchant is contractually required by AmeriMerchant to use a computerized merchant

<p><b>U.S. Patent No. 6,941,281</b> <b>Claim Language</b></p>	<p><b>Identification Of Where Claim Element Is Found</b> <b>Within Each Accused Instrumentality</b></p>
<p>payment from the merchant, authorizing and settling the payment, and forwarding at least a portion of the payment to a computerized payment receiver as payment of at least a portion of an obligation made by the merchant; and</p>	<p>processor that is acceptable to AmeriMerchant and/or its parents, subsidiaries, and affiliates. The agreement between the merchant and the computerized merchant processor acceptable to AmeriMerchant and/or its affiliates, parents, or subsidiaries allows the merchant to use a point-of-sale terminal to transmit transaction data to the computerized merchant processor.</p> <p>The computerized merchant processor designated by AmeriMerchant and/or its parents, subsidiaries, or affiliates receives the information related to the payment forwarded from the merchant (e.g., from the merchant's terminal), authorizes and settles the payment, and – pursuant to payment instructions that AmeriMerchant and/or its parents, subsidiaries, and affiliates require merchants to issue to the computerized merchant processor – forwards at least a portion of the payment to a computerized payment receiver, namely AmeriMerchant and/or its parents, subsidiaries, affiliates, agents, assignees, or designees as payment of at least a portion of the obligation made by the merchant.</p> <p>On information and belief, the amount of the payment forwarded by the designated merchant processor is approximately 16-23% of the merchant's daily Visa/MasterCard sales.</p> <p>These acts are implemented using, at least in part, a modem and one or more computers and/or dedicated electronics programmed or configured to route an authorization request to a card issuer and receive approval of the authorization from the card issuer, a combination of a processor, memory, a modem, and software, and an account or entity capable of receiving payments or credits electronically.</p> <p>See, e.g., <a href="http://www.amerimerchant.com/business_cash_advance.php">http://www.amerimerchant.com/business_cash_advance.php</a>:</p> <p>“• You must have a merchant account processing Visa and Mastercard for at least 60 days”</p> <p>See, e.g., <a href="http://www.amerimerchant.com/business_resources.php">http://www.amerimerchant.com/business_resources.php</a>:</p>

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<p>at the computerized payment receiver, receiving the portion of the payment forwarded by the computerized merchant processor and applying that portion to the outstanding obligation made by the merchant to reduce such obligation.</p>	<p>"We take a % of your future credit card sales until we are paid back."</p> <p>When AmeriMerchant and/or its parents, subsidiaries, affiliates, agents, assignees or designees, or the account controlled by AmeriMerchant and/or its parents, subsidiaries, affiliates, agents, assignees or designees, receives the portion of the payment forwarded by the designated computerized merchant processor, AmeriMerchant and/or its parents, subsidiaries, and affiliates apply that portion of the outstanding obligation to reduce the outstanding balance of the merchant's obligation to AmeriMerchant and/or its parents, subsidiaries, or affiliates arising from the cash advance. These acts are implemented using, at least in part, a computer connected to an electronic network and/or account capable of receiving payments or credits electronically. .</p> <p>See, e.g., <a href="http://www.amerimerchant.com/about_us.php">http://www.amerimerchant.com/about_us.php</a>:</p> <p>"Our program is simple, AmeriMerchant purchases a business' credit card receivables at a discount today and we collect our money by taking a percentage of your business' future credit card transactions."</p> <p>See, e.g., <a href="http://www.amerimerchant.com/business_resources.php">http://www.amerimerchant.com/business_resources.php</a>:</p> <p>"We take a % of your future credit card sales until we are paid back."</p>
<p><b>Claim 2</b></p> <p>The method of claim 1 wherein the accepting step comprises accepting a credit card number as the customer identifier.</p>	<p>A merchant participating in AmeriMerchant's cash funding services can accept credit card numbers (e.g., Visa/MasterCard credit card numbers) as customer identifiers. These credit card numbers are accepted using Verifone merchant-location equipment or its equivalent.</p> <p>See, e.g., <a href="http://www.amerimerchant.com/about_us.php">http://www.amerimerchant.com/about_us.php</a>:</p> <p>"Our program is simple, AmeriMerchant purchases a business' credit card receivables at a discount today and we collect our money by taking a percentage of your business' future credit card transactions."</p>

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	<p>See, e.g., <a href="http://www.amerimerchant.com/index.php">http://www.amerimerchant.com/index.php</a>:</p> <p>“To qualify for an advance against your merchant account, you only need to be processing credit cards for 60 days to receive a business cash advance against your future Visa and Mastercard credit card processing receipts.”</p> <p>See, e.g., <a href="http://www.amerimerchant.com/business_cash_advance.php">http://www.amerimerchant.com/business_cash_advance.php</a>:</p> <p>“• Up to \$175,000 per location (the amount we can advance you is based on how much monthly Visa and Mastercard sales you process each month)”</p> <p>“• You must have a merchant account processing Visa and Mastercard for at least 60 days”</p> <p>See, e.g., <a href="http://www.amerimerchant.com/restaurant_financing.php">http://www.amerimerchant.com/restaurant_financing.php</a>:</p> <p>“• You must process at least \$2,500/mo. in Visa/Mastercard for at least a period of 60 days”</p> <p>See, e.g., <a href="http://www.amerimerchant.com/applynow.php">http://www.amerimerchant.com/applynow.php</a>:</p> <p>“*How much do you process in Visa/Mastercard from your customers each month?”</p> <p>See, e.g., <a href="http://www.amerimerchant.net/applynow.php">http://www.amerimerchant.net/applynow.php</a>:</p> <p>“AmeriMerchant, a leading provider of merchant services, is proud to bring you the only application that will allow you to start accepting credit cards almost immediately...”</p>
<p><b>Claim 3</b></p> <p>The method of claim 1 wherein the accepting step comprises accepting a debit card number as the customer identifier.</p>	<p>A merchant participating in AmeriMerchant's cash funding services can accept debit card numbers (e.g., Visa/MasterCard debit card numbers) as customer identifiers. These debit card numbers are accepted using Verifone merchant-location equipment or its equivalent.</p>



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	<p>See, e.g., <a href="http://www.amerimerchant.com/about_us.php">http://www.amerimerchant.com/about_us.php</a>:</p> <p>“Our program is simple, AmeriMerchant purchases a business' credit card receivables at a discount today and we collect our money by taking a percentage of your business' future credit card transactions.”</p> <p>See, e.g., <a href="http://www.amerimerchant.com/index.php">http://www.amerimerchant.com/index.php</a>:</p> <p>“To qualify for an advance against your merchant account, you only need to be processing credit cards for 60 days to receive a business cash advance against your future Visa and Mastercard credit card processing receipts.”</p> <p>See, e.g., <a href="http://www.amerimerchant.com/business_cash_advance.php">http://www.amerimerchant.com/business_cash_advance.php</a>:</p> <p>“• Up to \$175,000 per location (the amount we can advance you is based on how much monthly Visa and MasterCard sales you process each month)”</p> <p>“• You must have a merchant account processing Visa and MasterCard for at least 60 days”</p> <p>See, e.g., <a href="http://www.amerimerchant.com/restaurant_financing.php">http://www.amerimerchant.com/restaurant_financing.php</a>:</p> <p>“• You must process at least \$2,500/mo. in Visa/Mastercard for at least a period of 60 days”</p> <p>See, e.g., <a href="http://www.amerimerchant.com/applynow.php">http://www.amerimerchant.com/applynow.php</a>:</p> <p>“*How much do you process in Visa/MasterCard from your customers each month?”</p> <p>See, e.g., <a href="http://www.amerimerchant.net/applynow.php">http://www.amerimerchant.net/applynow.php</a>:</p> <p>“AmeriMerchant, a leading provider of merchant services, is proud to bring you the only application that will allow you to start accepting credit cards almost immediately...”</p>

U.S. Patent No. 6,941,281 Claim Language	Identification Of Where Claim Element Is Found Within Each Accused Instrumentality
<p><b>Claim 4</b></p> <p>The method of claim 1 wherein the accepting step comprises accepting a smart card number as the customer identifier.</p>	<p>A merchant participating in AmeriMerchant's cash funding services can accept smart card numbers (e.g., Visa/Master Card smart card numbers) as customer identifiers. These smart card numbers are accepted using Verifone merchant-location equipment or its equivalent.</p> <p>See, e.g., <a href="http://www.amerimerchant.com/about_us.php">http://www.amerimerchant.com/about_us.php</a>:</p> <p>"Our program is simple, AmeriMerchant purchases a business' credit card receivables at a discount today and we collect our money by taking a percentage of your business' future credit card transactions."</p> <p>See, e.g., <a href="http://www.amerimerchant.com/index.php">http://www.amerimerchant.com/index.php</a>:</p> <p>"To qualify for an advance against your merchant account, you only need to be processing credit cards for 60 days to receive a business cash advance against your future Visa and Mastercard credit card processing receipts."</p> <p>See, e.g., <a href="http://www.amerimerchant.com/business_cash_advance.php">http://www.amerimerchant.com/business_cash_advance.php</a>:</p> <p>"• Up to \$175,000 per location (the amount we can advance you is based on how much monthly Visa and Mastercard sales you process each month)"</p> <p>"• You must have a merchant account processing Visa and Mastercard for at least 60 days"</p> <p>See, e.g., <a href="http://www.amerimerchant.com/restaurant_financing.php">http://www.amerimerchant.com/restaurant_financing.php</a>:</p> <p>"• You must process at least \$2,500/mo. in Visa/Mastercard for at least a period of 60 days"</p> <p>See, e.g., <a href="http://www.amerimerchant.com/applynow.php">http://www.amerimerchant.com/applynow.php</a>:</p> <p>"*How much do you process in Visa/Mastercard from your customers each month?"</p>



U.S. Patent No. 6,941,281 Claim Language	Identification Of Where Claim Element Is Found Within Each Accused Instrumentality
	<p><i>See, e.g.,</i> <a href="http://www.amerimerchant.net/applynnow.php">http://www.amerimerchant.net/applynnow.php</a>:</p> <p>“AmeriMerchant, a leading provider of merchant services, is proud to bring you the only application that will allow you to start accepting credit cards almost immediately...”</p>
<p><b>Claim 5</b></p> <p>The method of claim 1 wherein the accepting step comprises accepting a charge card number as the customer identifier.</p>	<p>A merchant participating in AmeriMerchant’s cash funding services can accept charge card numbers as customer identifiers. These charge card numbers are accepted using Verifone merchant-location equipment or its equivalent.</p>
<p><b>Claim 6</b></p> <p>The method of claim 1 wherein the accepting step comprises accepting the customer identifier at a merchant location.</p>	<p>A merchant participating in AmeriMerchant’s cash funding services can accept a customer identifier at a merchant location. Merchants accept customer identifiers using Verifone merchant-location equipment or its equivalent at a location associated with the merchant such as, for example, a retail sales site of the merchant or its office.</p> <p><i>See, e.g.,</i> <a href="http://www.amerimerchant.com/index.php">http://www.amerimerchant.com/index.php</a>:</p> <p>“To qualify for an advance against your merchant account, you only need to be processing credit cards for 60 days to receive a business cash advance against your future Visa and Mastercard credit card processing receipts.”</p> <p><i>See, e.g.,</i> <a href="http://www.amerimerchant.com/applynnow.php">http://www.amerimerchant.com/applynnow.php</a>:</p> <p>“*How much do you process in Visa/Mastercard from your customers each month?”</p>

<p><b>U.S. Patent No. 6,941,281</b> <b>Claim Language</b></p>	<p><b>Identification Of Where Claim Element Is Found Within Each Accused Instrumentality</b></p> <p><i>See, e.g., <a href="http://www.amerimerchant.com/business_cash_advance.php">http://www.amerimerchant.com/business_cash_advance.php</a>:</i></p> <p>“Receive up to \$175,000 per location today!”</p> <p>“• Up to \$175,000 per location (the amount we can advance you is based on how much monthly Visa and Mastercard sales you process each month)</p> <p>• Depending on your business type, we can typically advance you up to 20% - 30% more than your business' monthly processing average”</p> <p>“Program Requirements:</p> <ul style="list-style-type: none"> <li>• You must have a merchant account processing Visa and Mastercard for at least 60 days</li> <li>• You must be current with your landlord (we do perform a landlord verification call)”</li> </ul> <p><i>See, e.g., <a href="http://www.amerimerchant.com/restaurant_financing.php">http://www.amerimerchant.com/restaurant_financing.php</a>:</i></p> <p>“Our program offers restaurant owners the ability to obtain restaurant financing by selling us their future credit card transactions from their customers.”</p> <p>“• You must process at least \$2,500/mo. in Visa/Mastercard for at least a period of 60 days</p> <ul style="list-style-type: none"> <li>• You must be current with your landlord (we do perform a landlord verification call)”</li> </ul>
<p><b>Claim 7</b></p> <p>The method of claim 1 wherein the accepting step comprises electronically accepting the customer identifier.</p>	<p>A merchant participating in AmeriMerchant's cash funding services can accept a customer identifier electronically. Merchants accept customer identifiers electronically by using Verifone merchant-location equipment or its equivalent.</p> <p><i>See, e.g., <a href="http://www.amerimerchant.com/business_cash_advance.php">http://www.amerimerchant.com/business_cash_advance.php</a>:</i></p> <p>“• You must have a merchant account processing Visa and Mastercard for at least 60 days”</p>

U.S. Patent No. 6,941,281 Claim Language	Identification Of Where Claim Element Is Found Within Each Accused Instrumentality
	<p>See, e.g., <a href="http://www.amerimerchant.com/restaurant_financing.php">http://www.amerimerchant.com/restaurant_financing.php</a>:</p> <p>“• You must process at least \$2,500/mo. in Visa/Mastercard for at least a period of 60 days”</p>
<p><b>Claim 8</b></p> <p>The method of claim 1 wherein the steps performed at the merchant processor further comprise accumulating the payments until a predetermined amount is reached and then forwarding at least a portion of the accumulated payments to the payment receiver.</p>	<p>The computerized merchant processor designated by AmeriMerchant and/or its affiliates, agents, parents, or subsidiaries accumulates payments until a predetermined amount is reached and then forwards at least a portion of the accumulated payments to AmeriMerchant and/or its affiliates, parents, subsidiaries, agents, assignees or designees. These acts are implemented using a combination of a processor, memory, a modem, software, a computer connected to an electronic network, and/or an account capable of receiving payments or credits electronically.</p> <p>See, e.g., <a href="http://www.amerimerchant.com/business_resources.php">http://www.amerimerchant.com/business_resources.php</a>:</p> <p>“No fixed monthly payment to worry about. We take a % of your future credit card sales until we are paid back. We only get paid when you get paid by your customers. Therefore, if you have a slow month, your payback to us slows down.”</p>
<p><b>Claim 9</b></p> <p>The method of claim 1 wherein the steps performed at the merchant processor comprise periodically forwarding at least a portion of the payment to the payment receiver.</p>	<p>The computerized merchant processor acceptable to AmeriMerchant and/or its affiliates, agents, parents, or subsidiaries periodically forwards (e.g., hourly, daily, weekly, monthly) at least a portion of the payment to AmeriMerchant and/or its affiliates, agents, parents, subsidiaries, assignees or designees. These acts are implemented using, at least in part, a computer connected to an electronic network and/or an account capable of receiving payments or credits electronically.</p> <p>See, e.g., <a href="http://www.amerimerchant.com/business_resources.php">http://www.amerimerchant.com/business_resources.php</a>:</p> <p>“No fixed monthly payment to worry about. We take a % of your future credit card sales until we are paid back. We only get paid when you get paid by your</p>

U.S. Patent No. 6,941,281 Claim Language	Identification Of Where Claim Element Is Found Within Each Accused Instrumentality
	customers. Therefore, if you have a slow month, your payback to us slows down.”
<b>Claim 10</b>	
A system for automated payment of an obligation made by a merchant, comprising:	<p>AmeriMerchant's cash funding services are a system for automated payment of an obligation made by a merchant to AmeriMerchant. Using AmeriMerchant's cash funding services, a merchant receives money from AmeriMerchant and/or its affiliates, parents, or subsidiaries in the form of a cash advance and repays this obligation through future sales transactions. According to its website, AmeriMerchant can provide a merchant with a cash advance of up to \$175,000.00 per location.  <i>See, e.g.,</i> <a href="http://www.amerimerchant.com/about_us.php">http://www.amerimerchant.com/about_us.php</a>:</p> <p>“AmeriMerchant, with offices in New York City and San Francisco, has quickly become the nation's fastest growing provider of working capital to businesses against their future credit card sales. By offering financing against a business' future cash flow, we are able to help restaurants and retailers obtain working capital that typically are turned down by traditional lending sources such as banks.”</p> <p>“Our program is simple, AmeriMerchant purchases a business' credit card receivables at a discount today and we collect our money by taking a percentage of your business' future credit card transactions.”</p> <p>“AmeriMerchant is currently the #1 provider of working capital against a business' future Visa/Mastercard processing sales in the entire country.”</p> <p><i>See, e.g.,</i> <a href="http://www.amerimerchant.com/index.php">http://www.amerimerchant.com/index.php</a>:</p> <p>“We can provide your business with a cash advance against its merchant account of up to \$175,000 per location. An alternative to a small business loan, these funds against future Visa and Mastercard sales are typically available within 7 days or less.... To qualify for an advance against your merchant account, you only need to be processing credit cards for 60 days to receive a business cash advance against your future Visa and Mastercard credit card processing receipts.”</p>

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	<p>See, e.g., <a href="http://www.amerimerchant.com/business_cash_advance.php">http://www.amerimerchant.com/business_cash_advance.php</a>:</p> <p>“Get merchant account financing against your Visa and Mastercard sales instead. Sell us your future credit card receivables for cash today. We provide working capital to all types of business including restaurants and retailers.”</p> <p>“Receive up to \$175,000 per location today!”</p> <p>“Need funds in a hurry? We typically can provide funds in 7 days or less.”</p> <p>“AmeriMerchant is a leading provider of working capital to businesses against their future Visa/Mastercard sales. Sell your future credit card transactions for cash today.”</p> <p>“Looking for a business loan? AmeriMerchant is the #1 alternative to a small business loan with our business cash advance program.”</p> <p>“Our program offers:</p> <ul style="list-style-type: none"> <li>• 90% Approval Rate (you must be current with your landlord and have no open bankruptcies)</li> <li>• Funds typically available in 7 days or less</li> <li>• Up to \$175,000 per location (the amount we can advance you is based on how much monthly Visa and Mastercard sales you process each month)</li> <li>• Depending on your business type, we can typically advance you up to 20% - 30% more than your business' monthly processing average</li> <li>• No fixed payment schedule, we get paid only when you get paid</li> <li>• You are free to use the funds however you choose</li> </ul> <p>Program Requirements:</p> <ul style="list-style-type: none"> <li>• You must have a merchant account processing Visa and Mastercard for at least 60 days</li> </ul>

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	<ul style="list-style-type: none"> <li>• You must be current with your landlord (we do perform a landlord verification call)</li> <li>• You can not have any open bankruptcies in the last 12 months”</li> </ul> <p><i>See, e.g.,</i> <a href="http://www.amerimerchant.com/restaurant_financing.php">http://www.amerimerchant.com/restaurant_financing.php</a>:</p> <p>“AmeriMerchant has now made it easier than ever for restaurants to receive up to \$175,000 in working capital per location in 7 days or less.”</p> <p>“Our program offers restaurant owners the ability to obtain restaurant financing by selling us their future credit card transactions from their customers.”</p> <p>“Our program requirements are simple to receive a business cash advance for your restaurant:</p> <ul style="list-style-type: none"> <li>• You must process at least \$2,500/mo. in Visa/Mastercard for at least a period of 60 days</li> <li>• You must be current with your landlord (we do perform a landlord verification call)</li> <li>• You can not have any open bankruptcies in the last 12 months”</li> </ul> <p><i>See, e.g.,</i> <a href="http://www.amerimerchant.com/affiliate_programs.php">http://www.amerimerchant.com/affiliate_programs.php</a>:</p> <p>“Affiliate Program</p> <p>Have a website with b2b traffic?</p> <p>Earn money by referring leads and/or customers to us.</p> <p>AmeriMerchant’s business cash advance affiliate program has one of the highest payouts per sale for our product compared to any other affiliate program for any industry. You can earn up to \$1,500 per sale.”</p> <p><i>See, e.g.,</i> <a href="http://www.amerimerchant.com/business_resources.php">http://www.amerimerchant.com/business_resources.php</a>:</p> <p>“No fixed monthly payment to worry about. We take a % of your future credit card sales until we are paid back. We only get paid when you get paid by your</p>



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	<p>customers. Therefore, if you have a slow month, your paycheck to us slows down.”  <i>See, e.g.,</i> <a href="http://www.amerimerchant.net/applnow.php">http://www.amerimerchant.net/applnow.php</a>:</p> <p>“AmeriMerchant, a leading provider of merchant services, is proud to bring you the only application that will allow you to start accepting credit cards almost immediately, unlike most websites where their "online application" is nothing more than a sales inquiry form for a salesperson to call you back.”</p> <p>“Our online application is a true application for you to apply for a merchant account.”</p> <p>“Your security and privacy is the utmost of importance to us, that is why we utilize the state-of-the-art technology to protect your data including 128-bit encryption Verisign SSL certificates. Once you click on the apply now button below, you will see that your browser will go into "secure mode" meaning the data you enter is safe.”</p> <p>“To get started, you must have the following information:</p> <ul style="list-style-type: none"> <li>• Be a Business located within the United States (US)</li> <li>• Federal Tax ID# (For Corporations only)</li> <li>• Your Social Security Number</li> <li>• US Commercial checking account DDA and Routing numbers”</li> </ul>
<p>at a merchant, means for accepting a customer identifier as payment from the customer and for electronically forwarding information related to the payment to a computerized merchant processor, wherein the merchant associated with the payment has an outstanding obligation to a third party; and</p>	<p>In order to receive a cash advance using AmeriMerchant's cash funding services, a merchant is contractually required by AmeriMerchant to use a computerized merchant processor (<i>i.e.</i>, credit card processing company) acceptable to AmeriMerchant and/or its affiliates, parents, or subsidiaries. The merchant's terminal must also be reprogrammed so that transactions are processed through a computerized merchant processor that is acceptable to AmeriMerchant and/or its affiliates, parents, or subsidiaries.</p> <p>A merchant who has received a cash advance from AmeriMerchant and/or its and/or its</p>

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	<p>affiliates, parents, or subsidiaries accepts a customer identifier (e.g., an account number from a credit card, debit card, a charge card or smart card) as payment from the customer using Verifone merchant-location equipment or its equivalent and uses an electronic network or telephone system to electronically forward information related to the payment to the designated computerized merchant processor.</p> <p>See, e.g., <a href="http://www.amerimerchant.com/about_us.php">http://www.amerimerchant.com/about_us.php</a>:</p> <p>“...[W]e collect our money by taking a percentage of your business' future credit card transactions.”</p> <p>“AmeriMerchant is currently the #1 provider of working capital against a business' future Visa/Mastercard processing sales in the entire country.”</p> <p>See, e.g., <a href="http://www.amerimerchant.com/index.php">http://www.amerimerchant.com/index.php</a>:</p> <p>“We can provide your business with a cash advance against its merchant account of up to \$175,000 per location.”</p> <p>“To qualify for an advance against your merchant account, you only need to be processing credit cards for 60 days to receive a business cash advance against your future Visa and Mastercard credit card processing receipts.”</p> <p>See, e.g., <a href="http://www.amerimerchant.com/business_cash_advance.php">http://www.amerimerchant.com/business_cash_advance.php</a>:</p> <p>“AmeriMerchant is a leading provider of working capital to businesses against their future Visa/Mastercard sales. Sell your future credit card transactions for cash today.”</p> <ul style="list-style-type: none"> <li>• Up to \$175,000 per location (the amount we can advance you is based on how much monthly Visa and Mastercard sales you process each month)</li> <li>• Depending on your business type, we can typically advance you up to 20% - 30% more than your business' monthly processing average</li> </ul>



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	<ul style="list-style-type: none"> <li>• No fixed payment schedule , we get paid only when you get paid...</li> <li>• You must have a merchant account processing Visa and Mastercard for at least 60 days"</li> </ul> <p>See, e.g., <a href="http://www.amerimerchant.com/restaurant_financing.php">http://www.amerimerchant.com/restaurant_financing.php</a>:</p> <p>"AmeriMerchant has now made it easier than ever for restaurants to receive up to \$175,000 in working capital per location in 7 days or less."</p> <p>"Our program offers restaurant owners the ability to obtain restaurant financing by selling us their future credit card transactions from their customers."</p> <ul style="list-style-type: none"> <li>• You must process at least \$2,500/mo. in Visa/Mastercard for at least a period of 60 days"</li> </ul> <p>See, e.g., <a href="http://www.amerimerchant.net/applynow.php">http://www.amerimerchant.net/applynow.php</a>:</p> <p>"AmeriMerchant, a leading provider of merchant services, is proud to bring you the only application that will allow you to start accepting credit cards almost immediately..."</p> <p>"To get started, you must have.... US Commercial checking account DDA and Routing numbers"</p> <p>See, e.g., <a href="http://www.amerimerchant.com/business_resources.php">http://www.amerimerchant.com/business_resources.php</a>:</p> <p>"No fixed monthly payment to worry about. We take a % of your future credit card sales until we are paid back. We only get paid when you get paid by your customers. Therefore, if you have a slow month, your payback to us slows down."</p>
at the computerized merchant processor, means for receiving the information related to the payment from the merchant, means for authorizing and settling the payment, and	In AmeriMerchant's cash funding services, the computerized merchant processor acceptable to AmeriMerchant and/or its parents, subsidiaries, or affiliates receives the information related to the payment from the merchant (e.g., from the merchant's Verifone merchant-location equipment or its equivalent) and authorizes and settles the payment using a modem and one or more computers and/or dedicated electronics

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	<p>programmed or configured to route an authorization request to a card issuer and receive approval of the authorization from the card issuer. See, e.g., <a href="http://www.amerimerchant.com/business_cash_advance.php">http://www.amerimerchant.com/business_cash_advance.php</a>:</p> <p>“● You must have a merchant account processing Visa and Mastercard for at least 60 days”</p> <p>See, e.g., <a href="http://www.amerimerchant.com/business_resources.php">http://www.amerimerchant.com/business_resources.php</a>:</p> <p>“We take a % of your future credit card sales until we are paid back.”</p>
<p>means for forwarding a portion of the payment to the third party to reduce the obligation.</p>	<p>In AmeriMerchant's cash funding services, the computerized merchant processor acceptable to AmeriMerchant and/or its parents, subsidiaries, and affiliates forwards at least a portion of the payment to AmeriMerchant and/or its parents, subsidiaries, affiliates, agents, assignees, or designees to reduce the obligation using a combination of a processor, memory, a modem, software, and other electronics, including an electronic network or telephone system.</p> <p>As AmeriMerchant and/or its parents, subsidiaries, affiliates, agents, assignees, or designees receives the portion of the payment forwarded by the computerized merchant processor, the received portion is used to reduce the merchant's obligation to AmeriMerchant arising from the cash advance. On information and belief, the portion of the payment forwarded to AmeriMerchant and/or its affiliates is between 16%-23% of the merchant's daily Visa/MasterCard receipts.</p> <p>See, e.g., <a href="http://www.amerimerchant.com/about_us.php">http://www.amerimerchant.com/about_us.php</a>:</p> <p>“Our program is simple, AmeriMerchant purchases a business' credit card receivables at a discount today and we collect our money by taking a percentage of your business' future credit card transactions.”</p> <p>See, e.g., <a href="http://www.amerimerchant.com/business_cash_advance.php">http://www.amerimerchant.com/business_cash_advance.php</a>:</p>

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	<p>“• You must have a merchant account processing Visa and Mastercard for at least 60 days”</p> <p>See, e.g., <a href="http://www.amerimerchant.com/business_resources.php">http://www.amerimerchant.com/business_resources.php</a>:</p> <p>“We take a % of your future credit card sales until we are paid back.”</p>
<p><b>Claim 11</b></p> <p>The system of claim 10 wherein the accepting means comprises means for accepting a credit card number as the customer identifier.</p>	<p>A merchant participating in AmeriMerchant’s cash funding services can accept credit card numbers (e.g., Visa/MasterCard credit card numbers) as customer identifiers. These credit card numbers are accepted using Verifone merchant-location equipment or its equivalent.</p> <p>See, e.g., <a href="http://www.amerimerchant.com/about_us.php">http://www.amerimerchant.com/about_us.php</a>:</p> <p>“Our program is simple, AmeriMerchant purchases a business’ credit card receivables at a discount today and we collect our money by taking a percentage of your business’ future credit card transactions.”</p> <p>See, e.g., <a href="http://www.amerimerchant.com/index.php">http://www.amerimerchant.com/index.php</a>:</p> <p>“To qualify for an advance against your merchant account, you only need to be processing credit cards for 60 days to receive a business cash advance against your future Visa and Mastercard credit card processing receipts.”</p> <p>See, e.g., <a href="http://www.amerimerchant.com/business_cash_advance.php">http://www.amerimerchant.com/business_cash_advance.php</a>:</p> <p>“• Up to \$175,000 per location (the amount we can advance you is based on how much monthly Visa and Mastercard sales you process each month)”</p> <p>“• You must have a merchant account processing Visa and Mastercard for at least 60 days”</p> <p>See, e.g., <a href="http://www.amerimerchant.com/restaurant_financing.php">http://www.amerimerchant.com/restaurant_financing.php</a>:</p> <p>“• You must process at least \$2,500/mo. in Visa/Mastercard for at least a period of</p>

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	<p>60 days”</p> <p><i>See, e.g.,</i> <a href="http://www.amerimerchant.com/applynow.php">http://www.amerimerchant.com/applynow.php</a>:</p> <p>“*How much do you process in Visa/Mastercard from your customers each month?”</p> <p><i>See, e.g.,</i> <a href="http://www.amerimerchant.net/applynow.php">http://www.amerimerchant.net/applynow.php</a>:</p> <p>“AmeriMerchant, a leading provider of merchant services, is proud to bring you the only application that will allow you to start accepting credit cards almost immediately...”</p>
<p><b>Claim 12</b></p> <p>The system of claim 10 wherein the accepting means comprises means for accepting a debit card number as the customer identifier.</p>	<p>A merchant participating in AmeriMerchant’s cash funding services can accept debit card numbers (e.g., Visa/MasterCard debit card numbers) as customer identifiers. Debit card numbers are accepted using Verifone merchant-location equipment or its equivalent.</p> <p><i>See, e.g.,</i> <a href="http://www.amerimerchant.com/about_us.php">http://www.amerimerchant.com/about_us.php</a>:</p> <p>“Our program is simple, AmeriMerchant purchases a business’ credit card receivables at a discount today and we collect our money by taking a percentage of your business’ future credit card transactions.”</p> <p><i>See, e.g.,</i> <a href="http://www.amerimerchant.com/index.php">http://www.amerimerchant.com/index.php</a>:</p> <p>“To qualify for an advance against your merchant account, you only need to be processing credit cards for 60 days to receive a business cash advance against your future Visa and Mastercard credit card processing receipts.”</p> <p><i>See, e.g.,</i> <a href="http://www.amerimerchant.com/business_cash_advance.php">http://www.amerimerchant.com/business_cash_advance.php</a>:</p> <p>“• Up to \$175,000 per location (the amount we can advance you is based on how much monthly Visa and Mastercard sales you process each month)”</p>

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	<p>“• You must have a merchant account processing Visa and MasterCard for at least 60 days”  <i>See, e.g.,</i> <a href="http://www.amerimerchant.com/restaurant_financing.php">http://www.amerimerchant.com/restaurant_financing.php</a>:          “• You must process at least \$2,500/mo. in Visa/MasterCard for at least a period of 60 days”  <i>See, e.g.,</i> <a href="http://www.amerimerchant.com/applynow.php">http://www.amerimerchant.com/applynow.php</a>:          “*How much do you process in Visa/Mastercard from your customers each month?”  <i>See, e.g.,</i> <a href="http://www.amerimerchant.net/applynow.php">http://www.amerimerchant.net/applynow.php</a>:          “AmeriMerchant, a leading provider of merchant services, is proud to bring you the only application that will allow you to start accepting credit cards almost immediately...”</p>
<b>Claim 13</b> The system of claim 10 wherein the accepting means comprises means for accepting a smart card number as the customer identifier.	<p>A merchant participating in AmeriMerchant's cash funding services can accept smart card numbers (e.g., Visa/MasterCard smart card numbers) as customer identifiers. Smart card numbers are accepted using Verifone merchant-location equipment or its equivalent.  <i>See, e.g.,</i> <a href="http://www.amerimerchant.com/about_us.php">http://www.amerimerchant.com/about_us.php</a>:          “Our program is simple, AmeriMerchant purchases a business' credit card receivables at a discount today and we collect our money by taking a percentage of your business' future credit card transactions.”  <i>See, e.g.,</i> <a href="http://www.amerimerchant.com/index.php">http://www.amerimerchant.com/index.php</a>:          “To qualify for an advance against your merchant account, you only need to be</p>

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	<p>processing credit cards for 60 days to receive a business cash advance against your future Visa and Mastercard credit card processing receipts.”</p> <p>See, e.g., <a href="http://www.amerimerchant.com/business_cash_advance.php">http://www.amerimerchant.com/business_cash_advance.php</a>:</p> <p>“● Up to \$175,000 per location (the amount we can advance you is based on how much monthly Visa and Mastercard sales you process each month)”</p> <p>“● You must have a merchant account processing Visa and Mastercard for at least 60 days”</p> <p>See, e.g., <a href="http://www.amerimerchant.com/restaurant_financing.php">http://www.amerimerchant.com/restaurant_financing.php</a>:</p> <p>“● You must process at least \$2,500/mo. in Visa/Mastercard for at least a period of 60 days”</p> <p>See, e.g., <a href="http://www.amerimerchant.com/applynow.php">http://www.amerimerchant.com/applynow.php</a>:</p> <p>“*How much do you process in Visa/Mastercard from your customers each month?”</p> <p>See, e.g., <a href="http://www.amerimerchant.net/applynow.php">http://www.amerimerchant.net/applynow.php</a>:</p> <p>“AmeriMerchant, a leading provider of merchant services, is proud to bring you the only application that will allow you to start accepting credit cards almost immediately...”</p>
<p><b>Claim 14</b></p> <p>The system of claim 10 wherein the accepting means comprises means for accepting a charge card number as the customer identifier.</p>	<p>A merchant participating in AmeriMerchant's cash funding services can accept charge card numbers as customer identifiers. These charge card numbers are accepted using Verifone merchant-location equipment or its equivalent.</p>
<p><b>Claim 15</b></p> <p>The system of claim 10 wherein the</p>	<p>A merchant participating in AmeriMerchant's cash funding services can accept a</p>



<p><b>U.S. Patent No. 6,941,281</b> <b>Claim Language</b></p>	<p><b>Identification Of Where Claim Element Is Found</b> <b>Within Each Accused Instrumentality</b></p>
<p>accepting means comprises means for accepting the customer identifier at a merchant location.</p>	<p>customer identifier at a merchant location. These customer identifiers are accepted using Verifone merchant-location equipment or its equivalent at a location associated with the merchant such as, for example, a retail sales site of the merchant or its office. <i>See, e.g.,</i> <a href="http://www.amerimerchant.com/index.php">http://www.amerimerchant.com/index.php</a>:</p> <p>“To qualify for an advance against your merchant account, you only need to be processing credit cards for 60 days to receive a business cash advance against your future Visa and Mastercard credit card processing receipts.”</p> <p><i>See, e.g.,</i> <a href="http://www.amerimerchant.com/applynow.php">http://www.amerimerchant.com/applynow.php</a>:</p> <p>“*How much do you process in Visa/Mastercard from your customers each month?”</p> <p><i>See, e.g.,</i> <a href="http://www.amerimerchant.com/business_cash_advance.php">http://www.amerimerchant.com/business_cash_advance.php</a>:</p> <p>“Receive up to \$175,000 per location today!”</p> <p>“• Up to \$175,000 per location (the amount we can advance you is based on how much monthly Visa and Mastercard sales you process each month)</p> <p>• Depending on your business type, we can typically advance you up to 20% - 30% more than your business' monthly processing average”</p> <p>“Program Requirements:</p> <ul style="list-style-type: none"> <li>• You must have a merchant account processing Visa and Mastercard for at least 60 days</li> <li>• You must be current with your landlord (we do perform a landlord verification call)”</li> </ul> <p><i>See, e.g.,</i> <a href="http://www.amerimerchant.com/restaurant_financing.php">http://www.amerimerchant.com/restaurant_financing.php</a>:</p> <p>“Our program offers restaurant owners the ability to obtain restaurant financing by selling us their future credit card transactions from their customers.”</p>

U.S. Patent No. 6,941,281 Claim Language	Identification Of Where Claim Element Is Found Within Each Accused Instrumentality
	<ul style="list-style-type: none"> <li>• You must process at least \$2,500/mo. in Visa/Mastercard for at least a period of 60 days</li> <li>• You must be current with your landlord (we do perform a landlord verification call)"</li> </ul>
<b>Claim 16</b> The system of claim 10 wherein the accepting means comprises means for electronically accepting the customer identifier.	A merchant participating in AmeriMerchant's cash funding services can accept a customer identifier electronically. Customer identifiers are accepted electronically using Verifone merchant-location equipment or its equivalent. <i>See, e.g.,</i> <a href="http://www.amerimerchant.com/business_cash_advance.php">http://www.amerimerchant.com/business_cash_advance.php</a> : <ul style="list-style-type: none"> <li>• You must have a merchant account processing Visa and Mastercard for at least 60 days"</li> </ul> <i>See, e.g.,</i> <a href="http://www.amerimerchant.com/restaurant_financing.php">http://www.amerimerchant.com/restaurant_financing.php</a> : <ul style="list-style-type: none"> <li>• You must process at least \$2,500/mo. in Visa/Mastercard for at least a period of 60 days"</li> </ul>
<b>Claim 17</b> The system of claim 10 wherein the means at the merchant processor further comprise means for accumulating the payments until a predetermined amount is reached and means for forwarding at least a portion of the accumulated payments to the third party.	The computerized merchant processor acceptable to AmeriMerchant and/or its parents, subsidiaries, and affiliates can accumulate payments until a predetermined amount is reached and then forward at least a portion of the accumulated payments to AmeriMerchant and/or its parents, subsidiaries, affiliates, agents, assignees, or designees, or an account controlled by AmeriMerchant and/or its parents, subsidiaries, affiliates, agents, assignees, or designees. The computerized merchant processor acceptable to AmeriMerchant and/or its parents, subsidiaries, and affiliates accumulates payments until a predetermined monetary amount is reached and then forwards at least a portion of the accumulated payments to AmeriMerchant and/or its parents, subsidiaries, affiliates, agents, assignees, or designees, or an account controlled by AmeriMerchant and/or its parents, subsidiaries,



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	<p>affiliates, agents, assignees, or designees, using a combination of a processor, memory, a modem, software, and other electronics, including an electronic network or telephone system.</p> <p>See, e.g., <a href="http://www.amerimerchant.com/business_resources.php">http://www.amerimerchant.com/business_resources.php</a>:</p> <p>“No fixed monthly payment to worry about. We take a % of your future credit card sales until we are paid back. We only get paid when you get paid by your customers. Therefore, if you have a slow month, your payback to us slows down.”</p>
<p><b>Claim 18</b></p> <p>The system of claim 10 wherein the forwarding means at the merchant processor comprises means for periodically forwarding at least a portion of the payment to the third party.</p>	<p>The computerized merchant processor acceptable to AmeriMerchant and/or its parents, subsidiaries, or affiliates periodically forwards (e.g., hourly, daily, weekly, monthly) at least a portion of the payment to AmeriMerchant and/or its parents, subsidiaries, affiliates, agents, assignees, or designees, or an account controlled by AmeriMerchant and/or its parents, subsidiaries, affiliates, agents, assignees, or designees. These acts are implemented using a combination of a processor, memory, a modem, software, and other electronics, including an electronic network or telephone system.</p> <p>See, e.g., <a href="http://www.amerimerchant.com/business_resources.php">http://www.amerimerchant.com/business_resources.php</a>:</p> <p>“No fixed monthly payment to worry about. We take a % of your future credit card sales until we are paid back. We only get paid when you get paid by your customers. Therefore, if you have a slow month, your payback to us slows down.”</p>
<p><b>Claim 19</b></p> <p>The system of claim 10 wherein the forwarding means at the merchant processor comprises means for forwarding to the third party an amount that is a percentage of the obligation.</p>	<p>The portion of the payment forwarded to AmeriMerchant and/or its parents, subsidiaries, affiliates, agents, assignees, or designees, or an account controlled by AmeriMerchant and/or its parents, subsidiaries, affiliates, agents, assignees, or designees, by the merchant processor is a percentage of the obligation owed by the merchant to AmeriMerchant in return for the cash advance provided by AmeriMerchant and/or its parents, subsidiaries, affiliates, agents, assignees, or designees. The amount of the payment forwarded to AmeriMerchant and/or its</p>

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	<p>affiliates is between 16%-23% of the merchant's daily Visa/MasterCard receipts. The forwarding of the amount is implemented using a combination of a processor, memory, a modem, software, and other electronics, including an electronic network or telephone system.</p> <p><i>See, e.g.,</i> <a href="http://www.amerimerchant.com/about_us.php">http://www.amerimerchant.com/about_us.php</a>:</p> <p>"Our program is simple, AmeriMerchant purchases a business' credit card receivables at a discount today and we collect our money by taking a percentage of your business' future credit card transactions."</p> <p><i>See, e.g.,</i> <a href="http://www.amerimerchant.com/business_cash_advance.php">http://www.amerimerchant.com/business_cash_advance.php</a>:</p> <p><i>See, e.g.,</i> <a href="http://www.amerimerchant.com/business_resources.php">http://www.amerimerchant.com/business_resources.php</a>:</p> <p>"We take a % of your future credit card sales until we are paid back."</p>

LEGAL\_US\_W # 53716803.4

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

ADVANCEME, INC.,  
Plaintiff,  
v.

AMERIMERCHANT LLC,  
Defendant.

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CIVIL CASE NO. 6:06-CV-082 (LED)

JURY TRIAL DEMANDED

**CERTIFICATE OF SERVICE**

I hereby certify that on January 22, 2007, a true and correct copy of **PLAINTIFF ADVANCEME, INC.'S DISCLOSURE OF ASSERTED CLAIMS AND AMENDED INFRINGEMENT CONTENTIONS FOR DEFENDANT AMERIMERCHANT LLC** was served on the following counsel of record via electronic mail and United States First Class mail:

Willem G. Schuurman ([bschurman@velaw.com](mailto:bschurman@velaw.com))  
Joseph D. Gray ([jgray@velaw.com](mailto:jgray@velaw.com))  
VINSON & ELKINS, LLP  
2801 Via Fortuna, Ste. 100  
Austin, Texas 78746  
Attorneys for Defendants  
MERCHANT MONEY TREE, INC., REACH  
FINANCIAL LLC, and FAST TRANSACT, INC.

Hilary Preston ([hpreston@velaw.com](mailto:hpreston@velaw.com))  
VINSON & ELKINS, LLP  
666 Fifth Ave., 26th Fl.  
New York, NY 10103  
Attorneys for Defendants  
MERCHANT MONEY TREE, INC.,  
REACH FINANCIAL LLC, and FAST  
TRANSACT, INC.

Douglas R. McSwane, Jr.  
POTTER MINTON, P.C.  
110 North College  
Tyler, Texas 75702  
Attorneys for Defendants  
MERCHANT MONEY TREE, INC.,  
REACH FINANCIAL LLC, and FAST TRANSACT, INC.  
([dougmcswane@potterminton.com](mailto:dougmcswane@potterminton.com))

I declare the foregoing to be true and correct. Executed this 22nd day of January, 2007,  
at Palo Alto, California.

By: \_\_\_\_\_



Christina Henderson  
Assistant to Ronald S. Lemieux  
PAUL, HASTINGS, JANOFSKY & WALKER LLP  
Five Palo Alto Square, Sixth Floor  
Palo Alto, CA 94306-2155  
Telephone: (650) 320-1800  
Telecopier: (650) 320-1900